

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUNIZ,
MARCUS MARTIN, NATALIE ROMERO,
CHELSEA ALVARADO, THOMAS BAKER
and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOCH”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS’ CORRECTED RESPONSE TO ORDER DIRECTING MEET AND
CONFER, DATED SEPTEMBER 10, 2021, DOC. NO. 1058**

Pursuant to this Court’s September 10, 2021 Order (Doc. No. 1058), Plaintiffs were able

to meet and confer with all Defendants and defense counsel regarding witness testimony at trial

except for Defendant Elliot Kline.¹

As a result of those meetings, we are pleased to report that the parties agree that all witnesses – Plaintiffs, Defendants and third parties – will testify in person with the possible exception of Defendant Michael Tubbs. Plaintiffs understand that Mr. Tubbs has extenuating circumstances relating to the medical condition of a family member that may make testifying in person unduly difficult. Subject to receiving written confirmation from a doctor, Plaintiffs are agreeable to Mr. Tubbs testifying remotely with the understanding that if the situation is resolved by the time Mr. Tubbs is needed to testify, then he will testify in person. With the understanding that all Defendants and Plaintiffs (with the possible exception of Mr. Tubbs) will testify in person, the parties further agree that Defendants can participate in the trial remotely when they are not testifying.

Plaintiffs met and conferred twice with Mr. Cantwell, including today, but at that time, Mr. Cantwell's witness list had not yet been docketed. Mr. Cantwell indicated that in principle he agrees that his witnesses should testify in person, but that he is not yet in a position to make specific representations about whether all of the witness on his witness list will be able to testify in person. Plaintiffs will meet and confer with Mr. Cantwell as soon as practicable now that his witness list is docketed to discuss the witnesses on his list. Plaintiffs are also filing an amended witness list as

¹ Plaintiffs contacted Defendant Kline by e-mail on September 13, 2021 and again on September 15, 2021. See Ex. 2. Defendant Kline did not respond to Plaintiffs' emails and has not responded to any outreach from Plaintiffs for at least one year.

directed by the Court, which indicates that all of Plaintiffs' witnesses will testify in person. *See* Exhibit 1.

Date: September 21, 2021

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2021, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I hereby certify that on September 21, 2021, I also served the following non-ECF participants via mail and electronic mail:

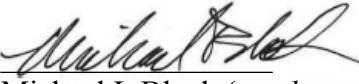
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